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ON: 6/28/16

June 23, 2016

The Honorable Raymond J. Dearie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: USA v. Hawit, et al. (1:15-cr-252) #15
USA v. Danis (1:15-cr-240)
USA v. Tordin (1:15-cr-564)
USA v. Bedoya (1:15-cr-569)
USA v. Huguet (1:15-cr-585)
USA v. Trujillo (1:16-cr-108)

To the Honorable Judge Dearie:

I am a reporter for BuzzFeed News, a global news gathering organization. I am writing to respectfully request that the plea hearing transcripts for defendants Luis Bedoya (No. 15-569, ECF 7), Fabio Tordin (No. 15-564, ECF 15), Miguel Trujillo (No. 16-108, ECF 8), Roger Huguet (No. 15-585, ECF 7), and Zorana Danis (No. 15-240, ECF 6), as well as transcripts for the change of plea hearings for Alfredo Hawit (No. 15-252, ECF 305) and Rafael Callejas (No. 15:252, ECF 286), be unsealed. I ask also that any underlying plea and/or cooperation agreements for any of those individuals be publicly filed.

The public has a First Amendment right of access "to plea hearings and thus to documents filed in connection with those hearings." *U.S. v. Haller*, 837 F.2d 84, 86-87 (2^d Cir. 1988). And consistent with this presumed right of access, filed plea agreements and transcripts may remain sealed only if the court "makes specific, on the record findings demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest." *Id.* at 87 (citing *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 106 S.Ct. 2735, 2743 (1986)). As this Court has recognized, the "right of access is the rule and it is a rare and exceptional case where it does not apply, and the Court's power to seal and preserve 'higher values' is 'one to be very seldom exercised, and even then only with the greatest caution, under urgent circumstances, and for very clear and apparent reasons.'" *U.S. v. Zazi*, No. 9-cr-6639, 2010 B 417009 (E.D.N.Y., June 28, 2010).

In keeping with those principles, plea transcripts and plea or cooperation agreements of defendants in cases related to FIFA/CONCACAF/CONMEBOL before this Court have already been unsealed pursuant to requests from other media outlets or the United States Attorney in cases cited above or in related cases. *U.S. v. Blazer*, No. 13-cr-602; *U.S. v. Hawilla*, No. 14-cr-609; *U.S. v. Warner*, No. 13-cr-402; and *U.S. v. Warner*, No. 13-cr-584).

The dockets do not reflect a showing by any of the parties that would overcome the presumptive right of access, and there is no compelling reason for closure. Meanwhile, the prosecution of these individuals and other defendants in the case has generated widespread and intense global media attention, thus public disclosure of the resolution of the case against all defendants in the cases is critical to “enhance the basic fairness of judicial process and the appearance of fairness that is essential to public confidence in the system.” *United States v. Biaggi*, 828 F.2d 110, 114 (2d Cir. 1987).

For these reasons, I respectfully request that this Court order the unsealing of the plea transcripts and cooperation and/or plea agreements of Defendants Bedoya, Tordin, Trujillo, Huguet, Danis, Hawit, and Callejas, or, in the alternative, the opportunity to be heard on the issue.

Thank you in advance for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ken Bensinger', with a stylized flourish at the end.

Ken Bensinger
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CC: Counsel of Record for Defendants Bedoya, Tordin, Trujillo, Huguet, Danis,
Hawit, and Callejas
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